UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,300	01/28/2002	Michael Wayne Brown	AUS920010522US1	5917

43307	7590	01/13/2005

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EXAMINER
ZHOU, TING

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/058,300	BROWN ET AL.
		Examiner	Art Unit
		Ting Zhou	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 December 2004</u>.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/04</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   The amendment filed on 8 December 2004 have been received and entered. Claims 1-24

as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft®

Windows, copyright 1998 (Screenshot 1).

Referring to claims 1, 9 and 17, Microsoft Windows teaches a method, system and

program comprising a graphical user interface (Windows interface shown in Screenshot 2),

detecting at least one type of activity for an application represented in a graphical user interface

by an application image and interfaced with through a graphical window in the graphical user

interface, wherein the application image indicates the application is running independent of

whether the graphical window for user interfacing with the application is currently open within

the graphical user interface (application activity, or the currently active/user selected applications

are associated with the applications that are running via the display of an application image, or

taskbar button; as shown in Screenshot 2, the application image for the "WinWord" application

shown on the taskbar at the bottom of the interface, associated with the "WinWord" application

window open in the foreground display, is currently active, or selected by the user; in addition,

as shown in Screenshot 4, the application button on the taskbar for the Outlook, eDan and East

applications are displayed to indicate that the corresponding applications are running, although

the application windows for those applications are not currently open, or displayed on the

graphical user interface), and graphically adjusting a three-dimensional height of the application

image in the graphical interface to represent the at least one type of activity, such that the at least

one type of activity is graphically distinguished for an application (graphically changing the

three-dimensional height, or shading and depth of the application image on the taskbar at the

bottom of the interface when it is detected that an application is currently active, or selected by

the user; as shown in Screenshot 3, when activity such as user selecting the "EAST" application

window is detected, the displayed attributes, such as shading and three-dimensional depth of the

application image button for the "EAST" application on the taskbar at the bottom of the interface

is graphically changed, in other words, the application button is beveled to changed the three-

dimensional height, in order to allow users to distinguish the "EAST" application from the rest of

the displayed application buttons upon viewing the taskbar).

Referring to claims 2, 10 and 18, Microsoft Windows teaches detecting the at least one

type of activity comprises at least one of a z-order of a plurality of open applications and usage

of at least one resource by the plurality of open applications (Screenshot 3 shows changing the

graphically displayed three-dimensional height of the application buttons on the taskbar as a

result of detecting activity such as user selection, which causes usage of resources, such as

processor, memory or display screen resources. Furthermore, as shown in Screenshot 2, the

three-dimensional height of the "Windows" application button on the taskbar is adjusted based

on the z-order of the "WinWord" application window; in other words, since the "WinWord"

application window is shown at the foreground of the display, or first in the z-order of the

plurality of open application windows, the "WinWord" application button on the taskbar is

beveled, to similarly reflect this activity).

Referring to claims 3, 11 and 19, Microsoft Windows teaches graphically adjusting the

height of the application image by at least one level (as shown in Screenshot 3, the three-

dimensional height of the selected "EAST" application button is adjusted by one level, changing

from being un-beveled to beveled into the display).

Referring to claims 4, 12 and 20, Microsoft Windows teaches graphically applying at

least one range of shading to illustrate the adjusted height of the application image (as seen from

Screenshots 2 and 3, the "EAST" application button on the taskbar changes shades as the user

selects the "EAST" application window; in Screenshot 2, the "EAST" application button is

darker in shade than the "EAST" application button shown in Screenshot 3).

Referring to claims 5, 13 and 21, Microsoft Windows teaches graphically specifying a

quantity associated with the at least one type of activity (as shown in Screenshot 4, quantities

associated with the resource usages of the applications are graphically displayed).

Referring to claims 6, 14 and 22, Microsoft Windows teaches graphically specifying the

quantity associated with the at least one type of activity in a graphical representation displayed

adjacent to the application image (as shown in Screenshot 4, the quantities associated with the

resource usages of applications are graphically displayed adjacent to the taskbar application

buttons; for example, the resource usage of applications such as the "WinWord" application is displayed by the task manager next to the taskbar button for the "Winword" application).

Referring to claims 7, 15 and 23, Microsoft Windows teaches graphically repositioning an ordered location of the application image to represent the at least one type of activity (for example, if the currently active "EAST" application window is closed, then the "WinWord" application would become the currently active window and as shown in Screenshot 5, the "WinWord" application button would be repositioned on the taskbar accordingly, i.e. becoming positioned next to the "eDAN" application button.

Referring to claims 8, 16 and 24, Microsoft Windows teaches graphically displaying a plurality of application images in an order that represents at least one type of activity measured for each of the plurality of application images (as shown in Screenshots 6-9, the application buttons on the taskbar are graphically displayed in an order which corresponds to the order in which activity was detected from the application, or when the user opened the application; therefore, since the "Outlook" application was selected first, followed by the "eDAN" application, the "EAST" application, and lastly the "WinWord" application, the application buttons on the taskbar corresponds to this order).

Response to Arguments

3.   Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
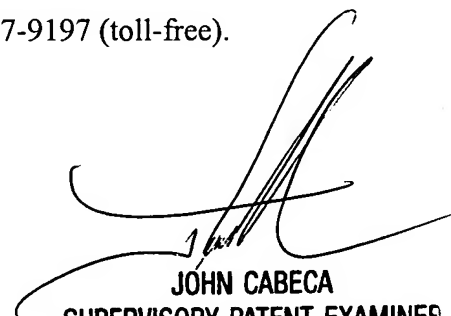
final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The

examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7 January 2005

JOHN CABECA
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